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13        UNITED STATES BANKRUPTCY COURT  
14        FOR THE EASTERN DISTRICT OF WASHINGTON  
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16        In re:

18-03197-FPC11

17        GIGA WATT, INC.

18                    Debtor.

19                    ORDER GRANTING IN PART AND  
20                    DENYING IN PART COMMITTEE'S  
21                    MOTION FOR ENTRY OF AN  
22                    ORDER PURSUANT TO FRBP 2004  
23                    AUTHORIZING DISCOVERY EXAM  
24                    OF CHAPTER 11 TRUSTEE AND  
25                    ISSUANCE OF SUBPOENA DUCES  
26                    TECUM PURSUANT TO FRCP 9016

27        This matter came before the Court on the *Committee's Ex Parte Motion for*  
28        *Entry of an Order Pursuant to FRBP 2004 Authorizing Discovery Exam of Chapter*  
29        *11 Trustee and Issuance of Subpoena Duces Tecum Pursuant to FRCP 9016* (the  
30

ORDER RE  
MOTION FOR 2004 EXAM

1 “Motion”) filed by the Committee of Unsecured Creditors (“Committee”) [Doc 692]  
2 on September 1, 2020. The Court has reviewed the Motion and the files and  
3 records in this case. The Court stated its findings of fact and conclusions of law at  
4 the hearing on the Motion and those findings of fact and conclusions of law are  
5 incorporated herein by reference as if set forth fully herein as provided in Rule 7052  
6 of the Federal Rules of Bankruptcy Procedure. At the hearing, the Court granted the  
7 Motion in part and denied the Motion in part.

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9  
10 ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:  
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13 1. The Chapter 11 Trustee shall appear for a 2004 exam on Thursday,  
14 September 17, 2020 at 1:30 p.m. at a place of the Trustee’s choosing (or via Zoom  
as the Parties may agree).

15  
16 2. The Committee shall pay all costs of the court reporter. It may later  
17 apply to the estate for reimbursement of the cost, which the Court will review.

18  
19 3. Such exam will last no longer than 3 hours and shall cover the status  
20 and basis for the bankruptcy estate’s potential right to bring certain litigation claims  
21 against third parties, including but not limited to law firm Perkins Coie LLP (the  
22 “Law Firm”).

23  
24 4. The Committee may issue a subpoena to the Trustee via e-mail seeking  
25 documents responsive to the above subject matter, without prejudice to the Trustee’s  
26 right to object to such subpoena. This Order is without prejudice to any objections  
27 by the Trustee at either the Rule 2004 Exam or pursuant to the Subpoena. For

1 example, the Trustee retains the right to object to the scope of the subpoena and to  
2 assert the attorney-client privilege, attorney work product doctrine or any other  
3 privilege that in the Trustee's judgment should apply.

5. This Order does not alter any term of the *Order Regarding Production*  
6 *of Documents Responsive to Rule 2004 Order and Placing Limits on the Use of*  
7  
8 *Confidential Information in Such Documents* [Doc 673], dated August 13, 2020.

///END OF ORDER///

Presented by:

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